IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 8558 OF 2006
WITH
WRIT PETITION NO. 8559 OF 2006

M/s. Manugraph India Ltd..... Petitioner

versus

Yeshwant Vithal Kamble..... Respondent.

Shri V.P.Vaidya for the petitioner

CORAM; A.P. DESHPANDE, J.
DATED; 23RD APRIL, 2007

P.C.;

1. In the year 1994 the respondents in both the writ petitions tendered resignation of their service. After a lapse of about seven months, complaints were filed alleging that the present petitioner has indulged in an unfair labour practice. Though there was a delay of about four months and few days, no application for condonation of delay was filed by either of the respondents. The present ptitioner in its written statement had categorically contended that the complaints are not tenable in the absence of a specific application for condonation of delay being moved by the respondent/complainant. Despite such objection being raised in the written statement, no timely steps in that regard had been taken by the respondent and belatedly after a period of 10 years,

applications seeking condonation of delay were filed. The said applications came to be considered by the labour court and came to be dismissed by holding that no sufficient cause has been shown for condonation of delay.

3. Aggreieved by the order passed by the labour court, a revision has been filed at the behest of the respondent in the Industrial court. The Industrial court has allowed the revision and remanded the matter back to the labour court for reconsideration of the question of condonation of delay and has further directed the labour court to decide all issues involved and dispose of the complaint finally. This order passed by the Industrial court is challenged by filing the present writ petition.

4. Perusal of the order passed by the Industrial court reveals that the Industrial court finds that the labour court has proceeded to deal with the question of condonation of delay on an incorrect fatual premise in as much as though the delay was four months and few days, the labour court assumed the delay to be of sven months. According to the Industrial court, as the factul premise itself was wrong it has proceeded to set aside the order passed by the labour court and remanded the matter back for decision of all issues

finally. The said direction is obviously issued for the reason that the complaints are pending for last 11 years and no fault can be found with the order of remand passed by the Industrial court. However, now it is for the labour court to consider all the questions and decide the complaint finally.

5. I do not feel it appropriate to interfere with the interlocutory order as interfernce by this court is bound to result in haulting the adjudicationof the idnsutrial dispute before the labour court. Hence I decline to interfere with the impugned order at this stage. Howevre, all the questions including the question of condonation of delay are left open to be raised at the time offinal adjudication of the complaint before the labour court. Hence writ petitions are summarily dismissed.

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